

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Svendsen et al. Confirmation No: 2911

Serial No.: 10/807,096 Group Art Unit: 1656

Filed: March 22, 2009 Examiner: Moore

For: Subtilases

**APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. 1.705(b) – PRE-GRANT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.705(b), Applicants hereby apply for patent term adjustment under 35 U.S.C. 154(b) of five hundred and nine (509) days. This application is filed no later than the payment of the issue fee as required by 37 C.F.R. 1.705(b).

I. Statement of Facts

Applicants received a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) with the Notice of Allowance and Fee(s) Due mailed April 22, 2009, stating that the above-identified application is entitled to five hundred and one (501) days of Patent Term Adjustment.

Applicants have calculated a Patent Term Adjustment of five hundred and nine (509) days based on the following facts:

A. Relevant Dates

The above-identified application was filed on March 22, 2004.

A Notice to File Missing Parts of Nonprovisional Application was mailed May 4, 2004.

A Response by Applicants was filed July 6, 2004 (July 4, 2004 being a Sunday and July 5, 2004 being a Federal holiday).

The first Office Action, a Restriction Requirement, was mailed October 12, 2006, resulting in a PTO delay of five hundred and eight (508) days beyond the fourteen (14) months provided by 35 U.S.C. 154(b)(1)(A)(i)(I).

However, on October 20, 2006 a non-final Office Action rescinding the Restriction Requirement was mailed, extending the PTO delay an additional eight (8) days beyond the

fourteen (14) months provided by 35 U.S.C. 154(b)(1)(A)(i)(I), resulting in a PTO delay of five hundred sixteen (516) days.

A Response by Applicants was filed April 16, 2007, resulting in an Applicant delay of eighty-six (86) days.

A Notice of Fee Deficiency was mailed May 7, 2007.

A Response to Notice of Fee Deficiency by Applicants June 1, 2007.

A non-final Office Action was mailed March 12, 2008, resulting in a PTO delay of one hundred sixty-three (163) days beyond the four (4) months provided by 35 U.S.C. 154(b)(1)(A)(ii).

A Response by Applicants was filed September 4, 2008, resulting in an Applicant delay of eighty-four (84) days.

A Notice of Allowance and Fees due was mailed December 16, 2008.

A Request for Continued Examination by Applicants was filed March 10, 2009.

A Notice of Allowance and Fees due was mailed April 22, 2009.

The total PTO delay under 35 U.S.C. 154(b)(1)(A) is six hundred seventy-nine (679) days, not six hundred seventy-one (671) days as indicated by the Patent Term Adjustment History.

Thus, the total PTO delay is six hundred seventy-nine (679) days under 35 U.S.C. 154(b)(1)(A) and the reduction due to Applicants' delay is one hundred seventy (170) days, resulting in a Patent Term Adjustment of five hundred and nine (509) days.

Applicants respectfully request reconsideration of the current Patent Term Adjustment.

B. Terminal Disclaimer

The above-identified application is not subject to a Terminal Disclaimer.

C. Reasonable Efforts

Applicants are in agreement with the Applicant delay of one hundred seventy (170) days as indicated in the Patent Term Adjustment History.

There were no additional circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application, as set forth in 37 C.F.R. 1.704.

II. Fees

The fee required under 37 C.F.R. 1.705(b)(1), estimated to be \$200.00, was charged to Novozymes North America, Inc.'s Deposit Account No. 50-1701 at the time of electronic filing. The USPTO is authorized to charge this Deposit Account should any additional fees be due.

Respectfully submitted,

Date: July 16, 2009

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